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COUNTYWIDE CRIMINAL JUSTICE COORDINATION COMMITTEE




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September 15, 2015

TO: Mayor Michael D. Antonovich
Supervisor Hilda L. Solis
Supervisor Mark Ridley-Thomas
Supervisor Sheila Kuehl
Supervisor Don Knabe

FROM: Lydia Bodin 
Chair, CCJCC Restitution Collection Taskforce
Deputy in Charge, Los Angeles County District Attorney's Restitution
Enhancement Program (REP)

SUBJECT: Supplemental Report: Collection of Victim Restitution from Individuals in
Custody or Under Community Supervision Due to Public Safety Realignment
(Item No. S-1 – November 12, 2014 Agenda and Item No. S-1 – August 4, 2015
Agenda)

On November 12, 2014, your Board directed the Countywide Criminal Justice Coordination Committee (CCJCC) to establish a taskforce to develop recommended local processes for collecting restitution from offenders in county jail pursuant to a Penal Code section 1170 (h) sentence. The taskforce presented a [report to your Board](#) on August 4, 2015 with six recommendations related to developing a restitution collection system.

This supplemental report provides additional information and clarification on the restitution collection recommendations and addresses questions from your Board during the August 4, 2015 meeting, including:

- terms of restitution collection for indigent inmates;
- the current amount of funds in the Probation Department's unclaimed restitution fund; and
- victim service programs that would merit additional State funding.

Restitution Fines vs. Restitution Orders

Convicted offenders are subject to Court-ordered restitution fines that are set according to statute. Payments on fines are transferred to the Victim's Compensation Government Claims Board (VCGCB) and are used to assist victims with burial, medical, and mental health assistance costs when they are unable to afford these services following a crime. *While the Board has discretion to direct collection on restitution fines, these fines and any other penalties are not the subject of the taskforce's recommendations.* Recommendations in this report only address the collection on restitution orders.

Restitution orders are court orders for a convicted offender to pay back his or her victim a specific amount based on the economic loss suffered by the victim due to the crime. Payment goes directly to the victim(s) to help them recover from their economic loss. The commission of a crime is frequently a devastating financial and deeply emotional event for victims. The payment of direct restitution is designed to help victims recover financially and emotionally.

Populations Addressed by Taskforce Recommendations

Any individual convicted of a crime may be subject to a restitution order. However, taskforce recommendations only address the collection of restitution from individuals in custody or on supervision pursuant to Public Safety Realignment (AB 109). It should be noted that prior to the implementation of AB 109, these individuals would have been subject to collection by the state through the California Department of Corrections and Rehabilitation (CDCR).

Non AB 109 Populations		CONVICTION LEVEL/STATUS	COLLECTION EFFORTS
	COUNTY	County Jail Sentenced: Misdemeanants / Felons	County does not collect from sentenced misdemeanants or felons serving jail time as a condition of probation.
		Summary Probationers	County does not collect.
	STATE	Felony Probationers	The Probation Department has authority and currently collects restitution from this population. Collection amounts are based on “ability to pay.” Funds are distributed directly to victims.
State Prisoners		The State CDCR collects 50% of deposits into inmate wage and trust accounts, as well as a 10% administrative fee. The State VGCGB distributes money collected to victims.	
		State Parolees	Unsatisfied restitution amounts are referred to the State Franchise Tax Board for tax return intercept or a court ordered debt repayment.
AB 109 Populations		1170(h) sentence: in-custody population	<i>No current restitution collection effort exists.</i> The Taskforce recommends that the County collect restitution from those with outstanding orders and distribute to victims. Up to 50 percent may be taken from deposits into an inmate’s wage and trust account for this purpose.
		1170 (h) sentence: mandatory supervision population	<i>No current restitution collection effort exists.</i> The Taskforce recommends that the County collect restitution from this population and distribute to victims. Probation would work with individuals on mandatory supervision to establish collection amount based on “ability to pay.”
		Post Release Community Supervision (PRCS)	<i>No current restitution collection effort exists.</i> The Taskforce recommends that the County collect restitution from this population and distribute to victims. Probation would work with individuals on PRCS to establish collection amount based on “ability to pay.”

Impact of Restitution Collection on Incarcerated Individuals and Upon Reentry

It is important to balance the constitutional right of a victim to receive restitution and the ability of a convicted individual to successfully reenter the community. As such, taskforce recommendations – consistent with applicable law – differentiate between collection during custody and collection in the community.

- *Incarcerated Individuals* – The Sheriff's Department is responsible for meeting the needs of individuals in their custody. In addition, inmates may establish an inmate wage and

trust account in which they may deposit their earnings and receive deposits from outside sources. Funds in inmate accounts can be used for commissary purchases and telephone calls. Hygiene kits may also be purchased with trust account funds, though they are also provided to indigent inmates with the support of the Inmate Welfare Fund (IWF).

The taskforce recommends that 50 percent of deposits into an AB 109 inmate's account be taken for payment to his or her victim when an outstanding restitution order exists.

- *Mandatory Supervision and Post-Release Community Supervision (Out of Custody Collections)* – In contrast to those in custody, individuals on supervision in the community generally do not have their basic needs met by the County as they work toward successful reentry. As such, collections must be based on an individual's ability to pay. Consistent with their current practices of collecting restitution from individuals on felony probation, the Probation Department will conduct an ability to pay assessment and establish a payment plan with individuals on supervision in order to balance the restitution rights of a victim and the goal of successful offender reentry.

Analysis of In-Custody Percentage Collection

In response to questions from your Board and recognizing the need to ensure victim rights while achieving offender reentry goals, the taskforce continued discussions on the impacts of collecting from deposits into an inmate's trust account for the purposes of paying victim restitution. The following considerations were discussed, specifically as it relates to a 50 percent collection rate:

- *Collections on wage earnings vs. outside deposits* – Very few jail inmates actually earn wages. As such, in-custody collections would largely be made on deposits into trust accounts from outside sources. This would be similar to collection efforts in state prison. Even though state prisoners are more likely to earn wages, CDCR reports that 81 percent of collections are from deposits made by outside sources.
- *Inmate Welfare Fund* – The Sheriff's Department has identified a potential impact to the IWF arising from collection from AB 109 inmates. Because commissary purchases and inmate phone calls generate revenue for the fund, taking a percentage for restitution purposes may decrease the fund's size. However, given the target population and the potential amounts collected, this impact should be minimal. In a preliminary review of AB 109 population samples, only 12 percent had restitution orders payable to a victim. This equates to approximately 3 percent of the total jail population.
- *Impacts on population management and jail security issues* – Sheriff staff advise that they will monitor the collection program to identify any population management issues that arise.
- *Impact on Net County Cost* – The taskforce anticipates that *there will be significant Net County Costs for the program, especially at the outset due to information technology system interfaces and additional staff that may be needed.* The taskforce continues its

work to develop estimates on resource needs to implement collections for your Board's consideration and revenue that may support collection processes.

Maximizing collected amounts, however, would result in the collection of more administrative fees, which can reduce county costs incurred for collection and distribution. Collection at a lower level would increase the net county cost because the administrative fee of 10 percent is based upon the amount of restitution collected.

- *Phased-in collections* – The taskforce discussed the possibility of phased-in collections. CDCR, for example, began collections at 20 percent and gradually increased the percentage to 50 percent. While this remains an option the Board may consider, CDCR staff informed the taskforce that phased in collections offered no benefits at the state level. CDCR staff advised that collecting at a set level– with proper notification to inmates – would ensure consistent application and reduce confusion and change introduced to the jail environment.
- *Increased restitution for victims* – Victims struggle emotionally and financially due to losses incurred by crime. While restitution orders follow an individual until the order is satisfied, there is currently no County process to collect restitution from individuals subject to AB 109. Though victims can pursue civil remedies, they are often ill-equipped to enforce judgments in civil courts, often cannot afford legal representation, and usually simply do not receive any restitution.

Should your Board elect to authorize the collection of restitution orders from this narrow population, statute allows for collection from inmate wage and trust accounts ranging from a minimum of 20 percent to a maximum of 50 percent. Ultimately, the decision to collect and the percentage of monies taken are policy decisions and can be set at the Board's discretion pursuant to the authorizing statute, Penal Code section 2085.5.

Unclaimed Restitution Funds

Restitution funds collected are paid directly to victims. In the event a victim cannot be located for payment on an order, the collected funds are "unclaimed" and are held in a Probation account until the victim comes forward. Funds that remain unclaimed for three years escheat to the State. However, your Board can instead direct those funds to a local victim service agency to provide victim services.

The District Attorney's August 4th Victim Services Report to your Board (attached), identified approximately \$470,000 in unclaimed funds in Probation's Victim Assistance Trust Account. This amount can fluctuate daily. At the request of your Board, the District Attorney's Office verified that \$441,324 were in the account as of August 19, 2015.

Victim Service Program Gaps

The District Attorney's attached report also identifies a variety of programs and services that would merit additional funding and could further support victims if resources are available,

including direct services provided by the District Attorney's Victim Witness Assistance Program. Unclaimed restitution funds are a potential resource for these identified needs.

As directed by your Board on August 4th, the Chief Executive Office is working on a report which is due in 30 days that provides an analysis of the gaps in victim services and recommendations for addressing them, including the feasibility of utilizing the unclaimed restitution funds.

Summary

Recognizing the need to balance restitution rights and reentry goals, the Restitution Collection Taskforce has developed recommendations that would establish the framework for the collection of restitution from individuals in custody or on supervision pursuant to AB 109.

Should your Board authorize the collection framework proposals, the taskforce will continue planning and report back to your Board with a full implementation plan, including estimates for staffing and systems needs. If you have any questions, please contact Lydia Bodin of the District Attorney's Office at (323) 357-5334 or Mark Delgado, Executive Director of CCJCC at (213) 974-8399.

LB:MD:sv

Attachment

c: District Attorney
Sheriff
Interim Chief Executive Officer
Acting Executive Officer, Board of Supervisors
Interim County Counsel
Chief Probation Officer
Auditor-Controller
Treasurer and Tax Collector
Public Defender
Alternate Public Defender




JACKIE LACEY
LOS ANGELES COUNTY DISTRICT ATTORNEY

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August 4, 2015

TO: Mayor Michael Antonovich
Supervisor Hilda Solis
Supervisor Mark Ridley-Thomas
Supervisor Sheila Kuehl
Supervisor Don Knabe

FROM: Jackie Lacey 
District Attorney

SUBJECT: **STATUS UPDATE – VICTIM SERVICES REPORT**
(ITEM S-1 – NOVEMBER 12, 2014 AGENDA)

BACKGROUND

The Victim Services Report presented to your Board on November 12, 2014 by the District Attorney's Office, provided a detailed description of the major issues impacting delivery of services to victims of crime in Los Angeles County. We described challenges with maintaining consistent and necessary staffing levels when funding for victim services provided by the State or the County remained static or were significantly below the level necessary to competently meet the County's victim population service needs.

Last year, we provided services to more than 20,000 crime victims and their family members. Unfortunately, there were approximately 45,000 victims of violent crime in Los Angeles County.

With the passage of "Marsy's Law" in 2009, we described how victims were given state constitutional rights in criminal cases and are seeking to more actively claim them.

We described how our current staffing resources could not accommodate victim sites in all criminal court locations and other locations where victim sites could be strategically placed to provide better access to services for victims throughout Los Angeles County's expansive geographic area.

We identified that a critical need exists to assign additional Victim Services Representatives (VSRs) to communities where service levels are severely stretched, such as South Los Angeles, downtown Los Angeles, Pomona and the Antelope Valley.

We discussed how the City of Los Angeles has used their resources to place victim advocates on site at Los Angeles Police Department stations to provide immediate access to support services.

We believe that victims served by the Los Angeles County Sheriff's Department (LASD) stations and bureaus also would benefit from the presence of a VSR on site.

We reviewed the needs for specialized assistance to victims of hate crimes, human trafficking and financial crimes.

We recommended additional Restitution Enhancement Program (REP) paralegals be assigned to courthouses to assist in the preparation of restitution orders. Currently, REP paralegals work in multiple court locations. Dedicated staff in each court would reduce the potential for oversight of a claim or an untimely submission, which can harm a victim's right to restitution.

We explained how the passage of AB109, the Criminal Justice Realignment Act, created a major service gap for some victims. The new law did not include a mechanism for collecting restitution from convicts who were sentenced to local jails. We recommended that your Board create a local restitution collection system.

On November 12, 2014, your Board requested the District Attorney to work with the Chief Executive Officer to develop a comprehensive Victims Services Strategic Plan and report back at the same time the Comprehensive Diversion Plan for Mentally Ill report was to be presented, including the following components:

- A. Establishing new victims sites, especially in Sheriff's stations;
- B. Expanding services to victims of non-violent crimes, while continuing to prioritize services for victims of violence and threats of violence;
- C. Increasing service levels at existing sites when necessary;
- D. Adding specialized advocacy units, including services for victims of hate crimes, human trafficking and financial crimes;
- E. Increasing the staff within the Restitution Enhancement Program; and
- F. Identifying gaps in services which can be provided by community-based organizations.

DEVELOPMENT OF A STRATEGIC PLAN

As part of the budget process for Fiscal Year 2014-2015 and Fiscal Year 2015-2016, the District Attorney's Office has worked with the CEO to meet the mission objective of addressing the needs of victims by ensuring that services are being provided by sufficient numbers of well-trained, highly motivated staff. Based upon relevant data, critical needs were identified and triaged to determine the most emergent. A phased plan to strategically add necessary staff for each fiscal year to attain appropriate staffing levels was deemed the best approach to efficiently and effectively proceed.

Once the staffing resources are in place and services are being provided as defined, an assessment of the impact of these services will be conducted. Based upon the results, allocation of available resources and the need for additional staff will be reassessed and determinations made as to how to proceed in the next budget cycle. We anticipate that it will take five years of assessment and phased staffing enhancements to determine if appropriate staffing levels have been allocated to effectively provide necessary services.

Towards this goal, the following steps have been taken:

A. FISCAL YEAR 2014-2015: ASSIGNMENTS OF VSRs TO ADDRESS CRITICAL NEEDS UTILIZING NEW ITEMS

We received seven additional VSR items in our budget from your Board. We also pursued grant opportunities to enhance VSR staffing levels using alternative funding sources. With these resources, we established or enhanced the following services for victims:

- Underserved Victims: Hardcore Gang Division (UV): Two VSRs provide specialized services for surviving families and next of kin of gang homicides, especially in Central, Compton and Long Beach.
- Realignment Victim Services Program (RVSP): Two VSRs assist victims impacted by the criminal acts of AB109 defendants, particularly assisting the Parole Revocation Section with victim notifications and honoring victims' rights post sentencing.
- Human Trafficking Victim Advocacy Program (HTVAP): Three VSRs are strategically assigned to areas with high incidence of human trafficking: Antelope Valley, South County (Compton/Long Beach), and Central (Figueroa corridor). They provide specialized comprehensive services for adult and minor victims of both the

sex trade and labor trafficking. These VSRs work closely with prosecutors assigned to Human Trafficking Unit, the Victim Impact Program (VIP), Organized Crime Division, and LADA's First Step Diversion Program.

- Victims' Rights Assistance (VRA): Three VSRs are assigned to facilitate notifications to victims; assist victims requesting Marsy's Law rights; and advocate for victims' rights to be honored by criminal justice personnel whenever possible.
- Juvenile Advocacy Services (JAS): Two VSRs are to be assigned to LADA Juvenile South (August 2015) and Juvenile North (by 2016) to assist victims of serious and sensitive cases involving juvenile court offenders.

B. FISCAL YEAR 2015-2016: PROPOSED ASSIGNMENTS OF ADDITIONAL VICTIM SERVICES REPRESENTATIVES

To further the goal of increasing and enhancing services for victims in the coming current fiscal year, as part of our budget request we are seeking ten additional VSR items with plans to allocate staff as follows. Proposed placement of VSR staff is provided in this report. Additional front-line service staff has a commensurate need for appropriate supervision and support services. Our budget request for this year recognizes this need.

- Add to Existing Underserved Sites: To facilitate efficient and effective access to VWAP services for victims and enhance availability of services in communities throughout the County, the assignment of additional VSR staffing to the following sites will be a priority. Depending upon available resources and community needs, the VSRs will either be located at regional courthouses or local LASD stations. All of the listed sites are in need of additional staffing to meet the needs of the population served in the region and crimes reported in the service area and surrounding communities.

LOCATION	CURRENT STAFF	ADDITIONAL STAFF	TOTAL STAFF AT SITE
AIRPORT/LASD- West Hollywood	1	1	2
PASADENA/Glendale/Burbank	1	1	2
TORRANCE/LASD – Lennox	1	1	2
COMPTON/LASD – Compton	2	1	3
ANTELOPE VALLEY/LASD – Palmdale/Lancaster	2	1	3
CIVIC CENTER/Family Violence Division/LASD Special Victims Unit and LAPD Juvenile Victims Bureau	1	1	2

- Open New Sites:

Fraud & Financial Crimes Victim Services Program (FFVSP): To address gaps in available services for crime victims experiencing emotional trauma and substantial financial losses from fraud, theft, scams, arson, real estate and other property crimes, two VSRs will be assigned to specialize in services for these victims. VWAP grants and CalVCP compensation benefits have traditionally excluded comprehensive services for these victims. (2)

Santa Clarita (Court or LASD Station): Santa Clarita is the County's third largest incorporated city. Yet, its crime victims must travel great distances to either the San Fernando or Lancaster sites for victim services. Assigning a VSR to this new site at the Santa Clarita Courthouse or LASD Station will create better geographical access to VWAP services. (1)

Hate Crimes: Few specialized resources are available to victims of hate crimes, both in cases that are filed for prosecution and those that are not prosecuted immediately (if at all). A VSR will assist these families in finding resources to rebuild their lives and survive inflicted emotional trauma and/or physical injury. (1)

IDENTIFYING EXISTING GAPS IN SERVICES

A review and analysis of services and compensation available to victims from current sources was conducted. The following specific gaps in services were identified; these needs are either not covered by existing resources at all or are not sufficiently covered through CalVCP. Recommendations for how these gaps can be addressed are also included. The recommendations involve a variety of proposed interventions, strategies and action items. In some instances, the needed service or support is currently provided by a County Department, but is not available to this population (such as food vouchers). In others, new programs will need to be developed and funded to fill the need identified.

POSSIBLE FUNDING RESOURCE: ALLOCATE ESCHEATED “UNCLAIMED VICTIM RESTITUTION” TO FUND IDENTIFIED GAPS IN VICTIM SERVICES

The County’s Probation Department is the designated agency to collect victim restitution payments from convicted felons and disburse collected funds to rightful victims. Probation is authorized to charge defendants an additional 15% fee on top of the court ordered victim restitution. When Probation, despite its best efforts, is unable to locate a victim to make disbursements of amounts collected, that money becomes “unclaimed victim restitution” and is held in Probation’s accounts until the victim comes forward. If the money remains unclaimed, after three years, there is process by which the money escheats to the State. However, unclaimed victim restitution can be used to fund County victim services instead of sending it to the State coffers to trickle back to the County’s Victim Witness Assistance Program (as the principal beneficiary of the State Restitution Fund).

Government Code § 50050 states that the unclaimed victim restitution shall be deposited into the Victim Restitution Fund or used by the *local agency* for purposes of victim services after the expiration of the three year period.¹ Your Board is the local agency that has authority to direct these funds to the District Attorney Victim Witness Assistance Program as the designated major

¹ California Government Code Section 50050 states, “For purposes of this article, ‘local agency’ includes all districts. Except as otherwise provided by law, money, excluding restitution to victims, that is not the property of a local agency that remains unclaimed in its treasury or in the official custody of its officers for three years is the property of the local agency after notice if not claimed or if no verified complaint is filed and served. At any time after the expiration of the three-year period, the treasurer of the local agency may cause a notice to be published once a week for two successive weeks in a newspaper of general circulation published in the local agency. *At the expiration of the three-year period, money representing restitution collected on behalf of victims shall be deposited into the Restitution Fund or used by the local agency for purposes of victim services. . .*” (Italics added).

provider of victim services for the County of Los Angeles.² According to the Probation Department, approximately \$470,000 in unclaimed victim restitution is currently being held by Probation in a Victim Assistance Trust Account. Since 2011, LADA has been diligently seeking to transfer these funds from Probation to District Attorney VWAP. Probation has indicated that, at the direction of your Board, these escheated funds will be released to the District Attorney VWAP to administer local victims' services as intended by statute.

To the extent thousands in escheated unclaimed victim restitution funds will be directed to Probation's Victim Assistance Trust Fund each year, such funds can be directed to the District Attorney VWAP to be utilized as a funding resource for many of the recommendations discussed in this report relating to identified gaps in victim services.

A. GAPS IN IMMEDIATE ASSISTANCE FOR POOR AND HIGHLY TRAUMATIZED VICTIMS

For victims, the journey to rebuild their lives begins immediately after the commission of the crime. Unfortunately, access to financial assistance is often completely unavailable from existing sources or available funds fall short of what is necessary to adequately address the needs of the victim.

- Short Term Housing: Victims may be required to leave their residence for many reasons: to avoid imminent harm; because their home is destroyed, especially by arson; or because their home is a crime scene. Yet, short term housing for victims is not readily available to meet this need throughout the County. The County does currently provide short term housing assistance for the homeless and victims of domestic violence in some instances.
- Limits of Available Victim Compensation: Short term housing and/or hotel expenses are impacted by the \$2,000 CalVCP limit towards relocation benefits. Thus, a victim staying in a hotel for weeks before finding a permanent place to move may exhaust CalVCP relocation benefits before finding permanent housing.

RECOMMENDATION: A "hotel voucher" system for victims of violent crime fleeing their homes could be made available for at least 3 to 5 days to assist them to return home or relocate to another home.

² A brief review of definitions of "local agency" in other Government Code sections have consistently included "county" as being a local agency. However, whether a county department is a local agency varies depending on the specific definitions provided.

PROPOSAL: County Departments that currently provide short term housing assistance for other populations should be directed to develop a program for victims of violent crime to receive emergency short term housing to bridge this gap. VWAP is available to provide subject matter expertise and data to assist in developing this program.

- Crime Scene Clean Up – Automobile: CalVCP reimbursement for the cost of crime scene cleanup is for up to \$1,000 when the crime scene is a residence. If a victim is injured or killed in their automobile, the cost to clean up the vehicle crime scene is not an allowable CalVCP reimbursable expense. For victims who do not have alternative means to get to work or drive their children to school, they must decide to drive a car with visible reminders of the crime, clean up the hazardous waste themselves or pay the cost to have the car detailed.

RECOMMENDATION: A funding source should be identified to provide up to \$1,000 to reimburse the cost of cleaning up a crime scene which occurs in a vehicle.

PROPOSAL: Funds should be provided to the District Attorney's Office sufficient to address this need. The number of potential automobile clean up requests cannot be determined, especially since it is not currently a covered CalVCP benefit. However, based upon local knowledge and experience, estimates are approximately 100 vehicles per year need crime scene clean up. Using the CalVCP allowable benefit amount to apply for this service, a fund with at least \$100,000 available should be set aside towards this gap in services.

- Food: Victims of violent crime may have to flee their homes; spend hours at police stations; and days waiting for criminal justice proceedings to unfold at courthouses. Many of them are without resources to buy food when required to be away from home.

VWAP advocates can make emergency allocations to families of up to \$300. However, there can be delays in obtaining this money for victims. Victims are not able to obtain any money after hours or on the weekends.

RECOMMENDATION: Funding should be identified for a system to provide "food vouchers" to victims through law enforcement and VWAP advocates should be created to provide meals for crime victims and their children who are hungry and/or do not have funds immediately available to purchase food.

PROPOSAL: County Departments that currently provide food voucher assistance for other populations should be directed to develop a program for victims of violent

crime to receive emergency food assistance to bridge this gap. VWAP is available to provide subject matter expertise and data to assist in developing this program.

- **Funeral/Burial Costs:** Many family survivors of criminal homicide victims need immediate funds to properly bury their loved ones.

CalVCP limits reimbursement to \$5,000 for funeral and burial expenses which rarely covers the costs to bury a loved one³ leaving the victim's family in the position of having to raise the necessary funds through means such as fund raisers.

RECOMMENDATION: A fund should be established to provide a fixed amount (\$2,000) towards assisting impoverished families with the burial costs of criminal homicide victims.

PROPOSAL: Funds should be provided to the District Attorney's Office sufficient to address this need. In FYI 14-15, it is estimated that CalVCP paid approximately 600 funeral and burial claims for the maximum benefit allowable of \$5,000. It is recommended that the County set aside approximately ½ million dollars in funding designated for these families to apply for up to \$1,000 additional in County funds to offset costs incurred from burying their loved one. It is also recommended that a needs assessment be part of the eligibility criteria to access County funds, which is not required for CalVCP funeral/burial benefits.

- **Car Impound Fees:** Through no fault of their own, victims of crimes such as carjacking, Driving Under the Influence with Injuries, and homicides, may be charged towing and impound fees associated with the removal or storage of their vehicles after the commission of a crime.

CalVCP does not cover this expense.

RECOMMENDATION: A fund should be established to provide a fixed amount (\$300) for victims to pay vehicle impound fees incurred as a consequence of the commission of a crime.

PROPOSAL: The number of crime victims' vehicles that incur towing fees after recovery of their vehicle by law enforcement is not readily available. Unfortunately, towing companies that remove and/or store victims' vehicles, regardless of the seriousness of the crime, are unsympathetic when it comes to waiving or lowering

³ <http://www.angieslist.com/articles/comparing-funeral-costs-burial-vs-cremation.htm>

these costs. If towing fees were applied to every carjacking case filed by LADA in 2014, there would be at least 200 victims paying approximately \$300 in towing fees to gain access to their vehicles.⁴ It is recommended that the County make funds available to assist eligible victims with towing costs to gain access to their vehicles. It is also recommended that a needs assessment be part of the eligibility criteria to access County funds, which is not required for CalVCP disbursement of funds.

- **Coroner Fees:** Family survivors of criminal homicide may incur fees (\$312.12) for removal of the victim's remains when there was a delay in determining if the death was caused by a criminal act. When a criminal act caused the death, an exemption to paying these fees applies. (Cal. Gov. Code Sect 27472). This is often an issue in cases involving driving under the influence deaths or other deaths which may not initially present as homicides.

CalVCP will not pay for or reimburse the costs of coroner fees even when families have paid them, and an eligible crime is later determined to have been the manner of death.

RECOMMENDATION: The County can institute a provision to forgo the billing for coroner's fees in deaths that are the subject of a criminal investigation, either by police or prosecutors, at least until the investigation into whether there was a criminal act concludes that there was none.

PROPOSAL: In cases involving a death under investigation by a law enforcement agency, your Board should direct the Department of Medical Examiner-Coroner's Office to delay the imposition and collection of Coroner fees until after a determination has been made that the death was the result of a criminal act.

B. GAPS IN COMPENSATION BENEFITS FOR HOUSING RELOCATION:

CalVCP limits the amount for relocation expenses to a maximum of \$2,000. Eligible victims can access relocation benefits upon showing that it is necessary for victims' emotional well-being or personal safety to relocate. There must be verification from law enforcement and/or a mental health provider establishing that the relocation is necessary.

⁴ <http://www.opgla.com/rates.aspx>

CalVCP benefits for relocation covers temporary housing, first and last month rent, security deposits, deposits for all utilities and phone, U-Haul, gas, movers, boxes, and in emergency situations, even food.

Thus, the \$2,000 is easily exhausted and victims must cover any expenses over that amount. With the high cost of housing in Los Angeles County (average \$1,400 - \$1,800 per month), this low maximum compensation amount severely limits choices for victims to find affordable alternative housing.⁵

It has been recognized that to effectively reduce gang violence, "Prosecutors need help getting substantially increased funds for extensive witness protection and other retaliation reduction measures."⁶

RECOMMENDATION: A fund should be established for victims who have received CalVCP relocation compensation. Consideration can also be given to establishing a fund for relocation benefits to victims who do not meet the stringent criteria for CalVCP relocation benefits.

PROPOSAL: In FYI 14-15, it is estimated that CalVCP paid approximately 550 relocation claims for the maximum benefit allowable of \$2,000. It is recommended that the County set aside approximately \$550,000 so that each of these victim families can apply for up to \$1,000 additional in County funds to offset costs incurred from safety relocations. It is also recommended that a needs assessment be part of the eligibility criteria to access County funds, which is not required for CalVCP relocation benefits.

C. GAPS IMPACTING VICTIMS' RECOVERY AND STABILIZATION

Many crimes involve the use of physical force or violence against victims, often resulting in the infliction of trauma. Crime victims of all types of crime may experience trauma, however. Reactions to trauma vary from person to person and can last for a lifetime.

- **Physical Trauma:** Crime victims may experience physical trauma – such serious injury or shock to the body, as from a major accident. Victims may have cuts,

⁵ <http://www.latimes.com/business/la-fi-apartment-rents-20140703-story.html>

<http://losangeles.cbslocal.com/2014/10/07/study-rent-prices-in-la-oc-counties-to-increase-over-8-percent/>

⁶ *A Call to Action: A Case for a Comprehensive Solution to L.A.'s Gang Violence Epidemic* (2007)

http://www.advancementprojectca.org/sites/default/files/imce/p3_report.pdf page 7 of 108.

bruises, fractured arms or legs, or internal injuries. They may have intense stress reactions: their breathing, blood pressure, and heart rate may increase, and their

muscles may tighten. They may feel exhausted and unable to sleep, and they may have headaches, increased or decreased appetites, or digestive problems.

- Emotional Trauma: Victims may experience emotional trauma – such wounds may have long-lasting effects, including physical manifestations and health implications. Some crime victims may experience trouble sleeping, flashbacks, extreme tension or anxiety, outbursts of anger, memory problems, trouble concentrating, and other symptoms of distress for days or weeks following a trauma. A person may be diagnosed as having acute stress disorder (ASD) if these or other mental disorders continue for a minimum of two days to up to four weeks within a month of the trauma. If these symptoms persist after a month, the diagnosis becomes posttraumatic stress disorder (PTSD).”⁷
- Long Term Transitional Housing: Some victims of crime miss work for periods of time or quit work altogether because of the trauma inflicted upon them. Some victims lose their jobs because they are not able to perform at the same level as before the crime. While CalVCP does cover a percentage of wage loss as a result of the crime for some victims, it may not be sufficient for the victim to maintain their current standard of living.

Transitional housing should be made available to these victims and their families to enable them to stabilize and get back on their feet. Victims and their families should not be faced with homelessness because of their victimization.

Transitional housing support is available for many criminal defendants in need of assistance and support – such as for those in need of drug rehabilitation, those transitioning from a period of incarceration back into the community, or those needing mental health services and support.

Limited transitional housing is available for domestic violence victims and those who are homeless. There is not sufficient transitional housing that is focused on assisting victims of crime.

⁷ <http://victimsofcrime.org/help-for-crime-victims/get-help-bulletins-for-crime-victims/how-crime-victims-react-to-trauma>

RECOMMENDATION: The County should provide sufficient transitional housing support to enable victims to recover from the trauma they have suffered so that they can become self-sufficient again.

PROPOSAL: County Departments that currently provide housing assistance for other service populations should be directed to expand eligibility criteria to facilitate victims of violent crime receiving priority transitional housing assistance to bridge this gap. VWAP is available to provide subject matter expertise and data to assist in developing this program.

- Treatment to Address Inflicted Injury: To the extent possible, victims who have been injured should be made whole. Victims who lose limbs because of crime need to have prosthesis. Likewise, victims who are disfigured because of a stabbing, shooting or mayhem often require cosmetic surgery to lessen the physical effect of the crime and help them fully heal. Unfortunately CalVCP does not cover all medical expenses related to these necessary medical procedures.

Prosthesis, eye glasses and hearing aids: If a victim has insurance, CalVCP pays the copay. If the victim does not have insurance, CalVCP pays 80% of billed amount.

Cosmetic surgery for victims who have been disfigured by crime: If a victim has insurance, CalVCP pays the co-pay. If the victim does not have insurance, CalVCP pays 80% of the physician bill and 100% of the facility (hospital) at the CalVCP rate.

Dental: If a victim has insurance, CalVCP pays the co-pay. If a victim does not have insurance, CalVCP pays 75% of billed amount.

RECOMMENDATION: A funding source should be identified to pay the amounts not covered by CalVCP to allow these victims the ability to fully recover physically and mentally.

PROPOSAL: Funds should be set aside for eligible victims who have maxed out CalVCP allowable benefits for these extraordinary and necessary medical and dental procedures yet continue to have on-going expenses related to injuries resulting from the criminal act perpetrated against them. In FYI 14-15, it is estimated that CalVCP paid approximately \$329,000 in dental benefits alone to LA County victims; a figure representing minimally 80% of the actual costs incurred. Figures for other extraordinary procedures discussed above are not readily available. It is

recommended that the County set aside minimally \$100,000 in County funds to offset costs incurred from extraordinary and necessary medical and dental procedures. It is also recommended that a needs assessment be part of the eligibility criteria to access County funds, which is not required for these CalVCP benefits.

- Additional Recommended Treatments: When a violent crime occurs, victims can feel that they have lost control of their lives. A therapist may recommend that victims take self-defense classes or participate in other therapeutic activities to help them regain a sense of control over their lives. These types of classes and programs are not covered through CalVCP. Funds to pay for self-defense classes (such as martial arts or sport programs) would greatly assist victims who cannot afford to pay for these classes.

RECOMMENDATION: A funding source should be identified to assist victims with participation in classes and programs recommended by a therapist to assist in the victim's recovery.

PROPOSAL: County Departments that currently provide self-defense, art and/or sports classes should be directed to develop a program for victims of crime to participate in these classes with a fee waiver to bridge this gap. VWAP is available to provide subject matter expertise and data to assist in developing this program.

D. ADDITIONAL FINANCIAL GAPS

Compensation for Victims of Financial Crimes Not Covered by CalVCP: The exclusion of victims of non-violent crimes from access to compensation was probably based on the misconception that these victims do not experience trauma. Victims of property, identity theft, financial scams and crimes, especially where losses are substantial, often suffer devastating emotional trauma. Recovery from these crimes can be very challenging for some victims, especially where the losses were substantial or where the victims' financial assets were minimal. With no allowable victim compensation funds, these victims must wait until the suspect is apprehended, charged, convicted, restitution ordered and collected, before any monetary relief is forthcoming for crime related losses. Often the only recourse for victims of financial crime is to sue the responsible party in civil court.

In addition to the obvious losses, property crime victims may have other financial losses such as the costs of credit repair and credit monitoring and legal fees necessary to correct real estate deeds or clear title resulting from fraudulent criminal acts.

RECOMMENDATION: A funding source should be identified to assist financial crime victims who have suffered extreme financial loss and who can demonstrate a financial need. A one-time award could be provided to these victims to cover basic necessities.

PROPOSAL: A fund should be established to allow this class of victims up to \$300 in emergency funds to provide for basic necessities and costs to stabilize and repair their financial well-being. It is recommended that the County set aside minimally \$100,000 in County funds to assist victims traumatized and negatively impacted by non-violent criminal acts. It is also recommended that a needs assessment be part of the eligibility criteria to access these County funds.

E. FINANCIAL LOSSES INCURRED BY ALL VICTIMS WHO PARTICIPATE IN THE CRIMINAL JUSTICE SYSTEM

In addition to the losses described above, all victims may suffer additional financial costs because of their participation in the criminal justice system. **Victims actually lose money by participating in the court process.** They must take time off from work to attend court proceedings resulting in lost wages, additional expenses for meals and mileage costs. Victims are entitled to witness fees, meal expenses and mileage but not at a rate which adequately compensates them. In addition, victims in the downtown courthouse also must pay the cost of parking expenses.

Witness fees and mileage reimbursement are set by statute and cannot be changed by the Board of Supervisors. This information is provided so that your Board fully understands the financial impact that crime has on victims. For each day a victim who is employed must appear in court they often will not be paid by their employer. They must use available sick time or vacation time or lose pay. For victims who take care of minor children, they must pay for someone to take care of their child(ren) while they attend court or bring the child(ren) to court. These victims are reimbursed either \$18 or \$35 a day depending on whether the suspect is a juvenile or adult. CalVCP will not reimburse victims for wage loss for days attending court.

- Witness Fees: Currently, a witness in an adult criminal case is entitled to witness fees of \$12.00 a day or \$18.00 a day if they are employed. (Penal Code §1329) Witnesses in juvenile cases or parole revocation hearings are entitled to \$35.00 a day whether they are employed or not. (Welfare and Institutions Code §664 and Government Code §68093) As a comparison, jurors are entitled to juror fees of \$15.00 a day. (CCP §215) Grand Jurors are entitled to grand juror fees of \$60.00 a day. Penal Code §890 allows that grand jurors receive \$15.00 a day unless otherwise provided by

statute or county or city and county ordinance. In 2007, your Board increased the amount to which Grand Jurors are entitled from \$25.00 to \$60.00 a day.

- Mileage Reimbursement: Currently, witnesses in criminal, juvenile, dependency and civil cases and parole hearings are entitled to mileage reimbursement at the rate of \$0.20 a mile. Currently, jurors are entitled to \$0.34 a mile. (Code of Civil Procedure §215) Grand Jurors are entitled to the mileage reimbursement rates applicable to county employees. (PC §890) County employees are entitled reimbursement of \$0.525 per mile.⁸
- Costs of Meals: Often victims must remain in court for a full day – from the beginning of the day at 8:30 a.m. until the end of the day at 4:30 p.m. Currently witnesses are only allowed to be reimbursed up to \$3.00 for breakfast, \$4.00 for lunch and \$8.00 for dinner or a **total** of \$15.00 a day. This amount was set in 1993 by the court. By comparison, County employees are entitled to a reimbursement rate for meals when they travel of \$12.50 for breakfast, \$16.50 for lunch and \$40.75 for dinner or a total of \$69.75.⁹

RECOMMENDATION: The Board of Supervisors should consider advocating for the Court to increase meal allowances to sufficiently compensate victims who attend court.

PROPOSAL: Your Board should direct the Countywide Criminal Justice Coordination Committee (CCJCC) to review reimbursement costs afforded victims and witnesses attending criminal proceedings and make recommendations to better compensate victims and witnesses for expenses incurred while responding to a subpoena to testify.

- Victim/Witness Parking Fees at Criminal Justice Center (CJC): All witnesses, including all victims of crime required to appear in court under subpoena, are entitled to be reimbursed for reasonable parking expenses for attending court. In most courthouses, victims/witnesses are directed to a specific lot for parking where they may park for free. If required to appear at the Clara Shortridge Foltz Criminal Justice

⁸ <http://auditorweb.co.la.ca.us/filedownload.aspx?fileid=344>

⁹ <http://auditorweb.co.la.ca.us/filedownload.aspx?fileid=344>

Center (CJC), victims/witnesses are given a list of parking options from which they can choose. They must pay out of pocket, get a receipt and then get **reimbursed** for the parking if they fill out the application for witness fees. The reimbursement process can sometimes take months.

RECOMMENDATION: The County can help minimize financial losses to victims attending court at CJC where expensive parking must be prepaid by victims upfront. The County has arranged to pre-pay downtown jurors' parking fees and be reimbursed by the courts. Jurors in the downtown civic center area need only show their juror summons and get free parking in the Disney Concert Hall parking garage at 111 South Grand Avenue. A similar arrangement should be made available for subpoenaed victims and witnesses.

PROPOSAL: County Departments that currently manage the program in place for jurors should be directed to develop a program for victims of crime to access parking without having to pay out of pocket to bridge this gap. VWAP is available to provide subject matter expertise and data to assist in developing this program.

As the following statistics show, each month approximately 3,000 civilian witnesses are subpoenaed to attend the criminal court at CJC. Of these, approximately 1,000 are victims.

**WITNESSES SUBPOENAED TO CRIMINAL JUSTICE CENTER BY MONTH
01/01/2013 - 12/31/2013**

Sum of WITNESSES	VICTIM		Grand Total
MONTH	NO	YES	
JAN	2,033	1,060	3,093
FEB	2,046	925	2,971
MAR	2,081	963	3,044
APR	1,873	979	2,852
MAY	2,107	978	3,085
JUN	1,841	920	2,761
JUL	2,059	1,068	3,127
AUG	1,944	1,058	3,002
SEP	2,184	1,020	3,204
OCT	2,105	1,059	3,164
NOV	1,811	824	2,635
DEC	1,461	769	2,230
Grand Total	23,545	11,623	35,168

PRIORITIES FOR FUNDING GAPS:

A minimal allocation of \$250,000 in funds should be set aside for the District Attorney's Office each year to augment the escheated unclaimed victim restitution Victim Assistance Funds account to ensure that a stable funding source is established and maintained to fund gaps in services identified in this report.

NUMBER ONE: Allocate funding to meet additional VWAP and REP staffing requests to insure access and availability of victim services and restitution assistance.

NUMBER TWO: Direct the Treasurer Tax Collector to transfer escheated unclaimed victim restitution, as these funds become available each year, from the Probation Department to the District Attorney's Office for VWAP to administer as consistent with its mission and to address identified gaps in services, especially:

- Provide for limited funds to cover relocation costs not covered by CalVCP
- Provide for payment towards additional funeral/burial costs actually incurred in addition to \$5,000 received on CalVCP claim
- Provide limited financial and emergency assistance for fraud and other victims not otherwise eligible for CalVCP benefits
- Provide limited allocation towards vehicle towing fees incurred as a result of violent crimes
- Provide for limited allocation towards extraordinary and necessary medical services not covered by CalVCP benefits
- Provide for crime scene clean-up of automobiles currently not covered by CalVCP benefits
- Provide for short-term housing (as a backup resource to services provided by other county departments).

NUMBER THREE: Direct relevant County Department to provide parking upfront for victims and witnesses responding to a subpoena at the Clara Shortridge Foltz Criminal Justice Center downtown.

NUMBER FOUR: Direct relevant County Departments to facilitate recommendations consistent with this Report to mitigate identified gaps in victim services and prioritize delivery of the following services for victims:

- Provide access to food vouchers
- Provide access to short-term housing (vouchers)
- Provide transitional housing
- Hold Coroner's fees in abeyance until police/prosecutor investigation into manner of death is completed
- Provide fee waivers for rehabilitative services such as self- defense, arts and/or sports classes

NUMBER FIVE: Direct CCJCC to review meal allowances for victims and witnesses subpoenaed to criminal court.

We welcome any additional questions you may have.

c: Interim Chief Executive Officer
 Interim County Counsel
 Acting Executive Officer, Board of Supervisors
 Executive Director, CCJCC



SACHI A. HAMAI
Chief Executive Officer

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Fifth District

December 10, 2015

To: Supervisor Hilda L. Solis, Chair
Supervisor Mark Ridley-Thomas
Supervisor Sheila Kuehl
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: Sachi A. Hamai
Chief Executive Officer

ANALYSIS OF EXISTING GAPS IMPACTING VICTIMS AND ADDITIONAL POSITIONS FOR DIRECT VICTIM SERVICES (ITEM NO. S-1, AGENDA OF AUGUST 4, 2015)

On August 4, 2015, the Board approved a motion that directed the Interim Chief Executive Officer (CEO) to work with the District Attorney (DA) to review, analyze and provide recommendations for the following: (1) additional existing gaps impacting victims; (2) the three additional positions requested by the DA for direct victim services; and (3) the feasibility of utilizing unclaimed victim restitution as provided under Government Code Section 50050. This report is submitted in response to the Board's motion.

Additional Existing Gaps Impacting Victims

The DA identified ten additional gaps in services that are either not or adequately covered through the California Victim Compensation Program (CalVCP). Those services are as follows:

"To Enrich Lives Through Effective And Caring Service"

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	Gaps In Services	CalVCP Benefit	Department's Proposal	Funding Requested
1	Short-Term Housing	\$2,000 limit	Develop hotel voucher system	N/A
2	Crime Scene Cleanup – Automobile	Not Covered. (\$1,000 limit only covers residence)	Extend \$1,000 reimbursement to include automobiles	\$100,000
3	Food	Not covered	Develop food voucher program	N/A
4	Funeral/Burial Costs	\$5,000 limit	Establish a fund to provide up to an additional \$1,000 in County funds to offset costs.	\$500,000
5	Car Impound Fees	Not covered	Establish a fund to provide \$300 to cover impound fees	No amount specified
6	Coroner Fees	Not covered	Institute a provision to delay coroner's fees when there is a criminal investigation pending	N/A
7	Housing Relocation	\$2,000 limit	Establish a fund to provide up to an additional \$1,000 in County funds to offset costs	\$550,000
8	Long-Term Transitional Housing	Not covered	Develop a program which provides transitional housing for victims of crime	N/A
9	Necessary Medical Procedures	Approximately 80% of cost or insurance co-pay	Establish a fund to offset costs incurred that are not covered by Cal VCP	\$100,000
10	Compensation for Victims of Financial Crimes	Not covered	Establish a fund to provide up to \$300 in emergency funds	\$100,000
			TOTAL REQUESTED	\$1,350,000

CEO Fiscal Analysis

Overall, our Office determined that gaps in services impacting victims of crime did exist, but, unfortunately, departmental statistics to support funding being requested were not currently being tracked or readily available. Without proper data, our Office was unable to determine an appropriate level of funding for the ten service areas identified by the DA. At this time, the CEO does not recommend any additional funds be provided to the DA beyond the escheated unclaimed victim restitution funds until the DA can provide, at a minimum, one full year of statistics. In addition, with the passing of Assembly Bill (AB) 1140, increases in benefit/claim maximums, as well as an expansion of the eligibility criteria to include additional allowable expenses, will take effect January 1, 2016. We anticipate that AB 1140 will address some, or a portion, of the services gaps identified in this report.

The DA has experienced a 45% increase in additional staff in the Direct Victim Services Division. Our Office determined that additional supervisory and support staff was warranted to ensure optimal customer service delivery. However, the DA was recently notified that supplemental Victim Witness Assistance Program (VWAP) grant funding will be allocated to Los Angeles County (County) over the next two fiscal years. These supplemental grant funds will not only address the positions requested by the DA, but will offset the costs of an additional 9 positions. These positions will be added to the DA's fiscal year (FY) 2016-17 Recommended Budget.

The DA is the only County department that provides victim services and, therefore the only agency that could accept the escheated unclaimed victim restitution funds. It is our understanding that the DA will be submitting a Board Letter on the January 5, 2016 Agenda, requesting the release of unclaimed victim restitution funds to the DA's VWAP.

Our Office will continue to work with the DA as they reexamine and refine the gaps in victims' services and identify if additional resources are needed beyond the escheated unclaimed Victim Restitution Funds, supplemental VWAP funding, and benefit increases and/or eligibility changes as a result of AB 1140.

Short Term Housing

The current CalVCP benefit can be quickly exhausted by a victim before they are able to find permanent housing. The DA's goal is to address the immediate short-term housing needs of victims that have been displaced by arson, residential sexual assault, homicide or gang related crimes. The DA has recommended a "hotel voucher" system to bridge the gap. The DA has reached out to the County's Homeless Initiative Director, as well as the Los Angeles Homeless Services Authority, to determine if housing programs are available to assist crime victims. The DA believes that this is a viable alternative in the future but, the main obstacle in securing assistance through these programs is funding. The DA was unable to provide our Office with additional information or data to analyze the need or the viability of the proposed program. We, therefore, recommend that the DA continue to reach out to County departments, as well as other community based organizations to explore the proposed "hotel voucher" system.

Crime Scene Clean Up - Automobiles

CalVCP currently only provides reimbursement for the clean-up of a crime scene if it occurs in a residence. Therefore, vehicle clean-up is not an allowable reimbursable expense. The DA would like to extend the \$1,000 reimbursable amount set by CalVCP for crime scene clean-up to include vehicles. The DA does not retain statistics on this type of expense since it's not reimbursable; thus, actual clean-up costs or potential annual requests are unknown.

Food

VWAP currently is able to allocate emergency funds to families of up to \$300 for food through the California Office of Emergency Services grant, but this benefit is not accessible during afterhours or weekends. The DA proposes the implementation of a "food voucher" program to provide emergency food assistance during afterhours or weekends which would be distributed by Law Enforcement agencies or VWAP advocates. The voucher would address the current gap in service and make food assistance more readily available. The DA has reached out to the Department of Public Social Services (DPSS) to determine if CalFresh is a viable option for victims of crime. The Cal Fresh program is available to all citizens or legal residents if eligibility requirements are met. This program runs in 6 month increments. We recommend that the DA continue to work with DPSS to explore the option of creating an emergency food voucher system that would be for a shorter term/smaller amounts.

Funeral/Burial Costs

As of January 2016, CalVCP will be raising the benefit amount to the statutory maximum of \$7,500 (an increase of \$2,500 from the current maximum amount of \$5,000). Government Code Section 13957 states that the benefit can be any amount not to exceed \$7,500. It is therefore within the discretion of the Victims Compensation and Government Claims Board to set a lower amount. In 2010, the benefit limit was reduced to \$5,000 as these funds were being borrowed to help balance the State budget. Although the increase back to the maximum amount of \$7,500 is significant, the gap between the actual costs incurred and what is reimbursed is substantial. The average cost for a basic funeral/burial or cremation services is approximately \$12,000, and \$6,000 respectively. These costs, however, do not include ancillary costs such as transporting of deceased remains when the crime occurred in another state or country. Victim Advocates also work closely with the Funeral Home Association to accept lower amounts if families need additional assistance. In the last three fiscal years, the average number of funeral/burial applications submitted to CalVCP by the County was approximately 345. The DA is proposing that the County provide an additional \$1,000 to offset costs incurred. Based on the average number of applications in the last three fiscal years, the DA anticipates the annual need to be approximately \$345,000.

Car Impound Fees

Victims of crime may incur impound fees associated with the removal or storage of vehicles after the commission of a crime. Most of the crimes involved include carjacking, driving under the influence with injuries and homicides. These costs are not covered as it is not an expense that has been considered by CalVCP and victims often times cannot afford to pay the fee to get access to their vehicles. The DA is

recommending setting up a fund to assist eligible victims with costs incurred. Since this is not a benefit covered by CalVCP, the DA does not have statistics on the number of victims' vehicles that incurred impound or towing fees as a result of a crime. The DA did provide the number of carjacking cases filed in the last three years which averaged approximately 280 per year. Although the DA recognizes that not every victim will need assistance, if the County were to assist every carjacking victim, approximately \$85,000 in annual funding would be required. Our office recommends that the County look into the feasibility of implementing a similar resolution that the City of San Francisco Board of Supervisors passed in 2014 which allows the County to add a provision in contracts with towing companies to eliminate or reduce fees imposed on victims of a vehicle crime.

Coroner Fees

The Department of Medical Examiner-Coroner (ME-Coroner) assesses a fee of \$354 (current billing rate) for the transportation and handling of deceased remains which are not covered by CalVCP. There is an exemption to paying these fees when a person who claims and proves to be indigent, or in cases in which the body is that of a child not more than 14 years of age, or in cases in which the ME-Coroner ascribes the death to the criminal act of another unless the ME-Coroner has reasonable grounds to believe that the deceased was involved in any criminal activity which contributed to his or her own death. If a family has paid a fee and the ME-Coroner later determines the case to be of a criminal nature, the ME-Coroner will reimburse the fees accordingly. The ME-Coroner will work with the DA to establish a process whereby fees are temporarily waived until the death investigation is complete.

Compensation Benefits for Housing Relocation

This request falls under the umbrella of relocations benefits which also includes short term housing and other expenses related to temporary housing (maximum benefit is \$2,000). The DA believes that relocation costs are approximately \$5,000 and above. In the last three fiscal years, the average number of County applications that were approved annually by CalVCP for relocation expenses was 470. The DA does not maintain statistics on the total number of applications submitted, but believes that approximately 15% of the applications are denied. The DA would like to assist victims who have received CalVCP relocation compensation with an additional \$1,000 to help offset costs incurred. The DA would also like to extend the relocation benefits to victims who do not meet the stringent criteria for CalVCP benefits, but who are in dire need of assistance. CalVCP's main criteria requires that law enforcement, or a mental health provider, must attest that the relocation is necessary as a result of an eminent/recurring threat to the victim's physical safety related to the crime; or to mitigate severe emotional

trauma suffered from a crime of violence or threat of violence. Often, family members become “ancillary victims” and require relocation assistance, but do not qualify for CalVCP benefits. The DA is requesting that a fund be set aside of approximately \$550,000 to address the aforementioned needs. Based on the number of CalVCP applications approved annually, and the DA’s proposal to assist victims with an additional \$1,000, the need for approved applicants would be approximately \$470,000. The DA does not track information for applications that were denied, so we are unable to provide an analysis and recommendation at this time.

Long-Term Transitional Housing

Long-term housing is often a need for victims who suffer long term trauma and are unable to function at an appropriate level prior to the crime. The DA would like County departments who currently provide housing assistance for other service populations be directed to expand their eligibility criteria to facilitate assistance to victims of violent crime. The DA will continue to work with community based organizations and other County departments to negotiate housing and assist in ensuring that victims of violent crime are given special consideration whenever possible.

Necessary Medical Procedures

Victims who suffer traumatic injuries should be made whole to the extent possible. Victims on occasion require prosthetics, cosmetic or dental surgery. CalVCP is the payer of last resort and will require the victims to use their private insurance, or apply for public medical assistance, before they will consider a victim’s application. If CalVCP does provide benefits, they do not cover the full medical costs. In Fiscal Year (FY) 2014-15, CalVCP paid out approximately \$329,000 in dental benefits to County victims which represent approximately 80% of actual costs incurred. The DA does not have access to statistics for all extraordinary procedures that were covered by CalVCP. The DA is recommending establishing a fund of \$100,000 to cover the cost of procedures that are not covered by CalVCP. Without complete data, we are unable to determine if the requested amount is appropriate.

Compensation for Victims of Financial Crimes

Victims of financial crime currently are not covered by CalVCP because resources are not available to expand services to this group. There is a misconception that financial crime victims do not experience trauma. Victims of financial crime often suffer emotional trauma and extreme financial loss that can impact access to their basic necessities. Victims may not have access to their bank account, may need assistance with attorney fees to correct real estate deeds, or help with restoring their credit. The DA is proposing to set aside \$100,000 in County funds to assist victims traumatized and negatively impacted by non-violent criminal acts. The fund would allow for a benefit of \$300 in emergency funds for victims to address basic necessities and costs to stabilize

and repair their financial well-being. The needs assessment for victims of financial crime would be the same criteria currently used for victims of crimes of violence or threat of violence. The DA does not have access to statistics as non-violent crimes are not covered by CalVCP. Due to the unavailability of data, we are unable to determine if the requested amount is appropriate.

CEO's Recommendation

Although the DA provided background information and recommendations to address gaps that are impacting victims of crime, full statistics were not provided. Without proper statistics, our Office is unable to determine an accurate level of funding for the aforementioned services. We have also been informed that Assembly Bill 1140 (AB 1140) was approved on October 7, 2015 and will take effect on January 1, 2016. AB 1140 will increase benefit/claim maximums, as well as expand criteria to include additional allowable expenses, such as transportation and child care benefits. Therefore, our Office recommends the following:

1. Provide the DA with the current escheated unclaimed victim restitution funds, and any funds that become available each year.
2. Request that the DA develop standard eligibility criteria to access County funds.
3. Recommend that the DA return to the Board with one full year of statistics to determine an appropriate annual level of funding for each of the services identified which should include the new benefit levels effective January 1, 2016 pursuant to AB 1140.

Additional Positions Requested by the DA for Direct Victim Services

The DA requested thirteen positions for victim services during the FY 2015-16 Recommended Budget. The CEO's Fiscal Analysis submitted to the Board on August 4, 2015 focused only on the ten positions identified in the DA's preliminary report submitted to our Office on July 15, 2015. Per the Board's direction, this analysis will address the remaining three positions requested by the DA which are:

- 1.0 Intermediate Clerk
- 1.0 Supervising Victim Services Representative (VSR)
- 1.0 Assistant Program Administrator

DA's Request and Justification

Intermediate Clerk: The DA indicates that additional clerical support staff is needed in the VWAP's administration division given the recent increase in VWAP staff. The position will ease the workload of the current clerical positions by assisting with duties relating to document preparation, filing, receptionist and timekeeping. The Bureau of

Victim Services (BVS) currently has three clerical support positions that provide assistance to Direct Services Division and Claims Verification Unit.

Supervising VSR: This position reports to the Assistant Program Administrator (APA) and provides the necessary direct supervision, guidance and accountability for the VSRs working directly with victims in multiple victim sites located throughout the County. The Supervising VSR resolves problems and is responsible for the implementation of the BVS goals, policies and procedures. Direct Services currently has four Supervising VSRs overseeing 56 VSRs located throughout five regions. The ideal supervisor to staff ratio is one to ten. In order for the DA to ensure an appropriate supervisor to staff ratio and span of control, an additional Supervising VSR is being requested.

Assistant Program Administrator (APA): The APA works closely with the Director in leading, planning, and managing the delivery of victim services; hiring and directing the BVS workforce; interacting with DA management and service partners; and representing the operations in interdepartmental meetings, taskforces and collaborations. The DA currently has one APA for Direct Services. In 2006, the BVS had two APAs (with a workforce of 42), but was forced to eliminate one position due to a reduction in grant funding. With the expansion of Direct Services by an additional 18 positions for a total of 56, the DA is requesting a second APA. The additional position would allow for a more manageable ratio. The proposed organizational structure would divide the five regions amongst the two APAs.

CEO Fiscal Analysis

Prior to FY 2014-15, the VWAP's Direct Services Division consisted of 40 positions of which 36 were grant funded. Over the last two fiscal year's the DA has received a total of 18 new Victim Services Representative II (VSR) positions. The additional positions have created a need for additional supervisory and support staff.

The DA currently has one Assistant Program Administrator and four Supervising VSR's who currently oversee Direct Services. The additional APA and Supervising VSR will alleviate the administrative and management workload within Direct Services given the approximately 60 positions deployed within 27 victim resource centers that are located throughout the County in courthouses, police stations and special prosecution units. Below is the current and proposed supervisor to staff ratio. In addition, Attachment I and II reflect the current and proposed organizational charts for the Direct Services Division, respectively.

Position	Current Ratio	Proposed Ratio	CEO Classification & Compensation Recommended Ratio
Assistant Program Administrator	1:5	1:3	1:2
Supervising Victim Services Representative (VSR)	1:14	1:11	1:10

If the additional positions were approved, the DA's Direct Services Division would have a total of 63.0 positions consisting of:

- 2.0 APAs
- 5.0 Supervising VSRs
- 56.0 VSR IIs

The estimated annual cost for the three additional positions is \$237,000.

CEO's Recommendation

In the last two fiscal years, the VWP's Direct Services Division has received a significant increase in staff – approximately 45%. The information provided above by the DA justifies the need for additional supervisory and support staff within the Direct Services Division. The staff augmentation will ensure an appropriate supervisor to staff ratio, span of control, facilitate management accountability, and ensure optimal customer service delivery.

The DA recently received notification from the State that supplemental VWP funding of approximately \$1.4 million per year will be allocated to the County for FY 2015-16 through FY 2016-17. These additional grant funds will offset the costs of an additional 12 positions, which includes the three identified in this report. During the FY 2016-17 Recommended Budget, the 12 positions, fully offset by CalVCP grant funds, will be added to the DA's operating budget. Therefore, the CEO recommends that the DA's request for three additional positions with an annual cost of \$237,000 offset by County General Funds be denied at this time. We further recommend that the DA's request be revisited in the future, if it is determined that the supplemental funding levels do not continue past FY 2016-17.

Unclaimed Victim Restitution Funds

Government Code Section 50050 allows a local agency at any time after the expiration of a three year period to deposit unclaimed funds back into the State Restitution Fund, or be used locally for purposes of victim services. This analysis will evaluate the feasibility of utilizing such funds for direct victim services by the DA.

Background

Pursuant to Government Code Section 50050, unclaimed funds “representing restitution collected on behalf of victims shall be deposited into the Restitution Fund or used by the local agency for purposes of victim services after the expiration of the three-year period.”

The Board of Supervisors is considered the local agency and has the authority to designate an appropriate victim services program for receipt of the funds. As of August 2015, the Probation Department (Probation) has in a trust account approximately \$441,000 in unclaimed funds. Additional monies (approximately \$50,000) have been unclaimed for more than three years and are awaiting publication by the Treasurer and Tax Collector (TTC). These funds have accumulated in the trust account since FY 2007-08. The amount of unclaimed funds annually has varied from a low of \$900 to as high as \$157,000, as reflected in the table below:

Fiscal Year	Unclaimed Accounts	Amount
2005-06	0	--
2006-07	0	--
2007-08	14	909.08
2008-09	56	6,346.63
2009-10	88	10,985.42
2010-11	168	35,044.95
2011-12	290	48,004.23
2012-13	484	57,815.08
2013-14	862	150,468.37
2014-15	911	129,572.71
2015-16	178	44,552.12
TOTAL	3,051	\$483,698.59

CEO Analysis & Recommendation

In 1977, the DA established one of California’s first victim services programs. Six years later, through State Legislature, VWAP was established in every County. Since then, the DA has been a provider of comprehensive services to victims of crime in the County. When VWAP was established, the Board also designated the DA to be the official “local agency” responsible for providing services to victims. Thus, there are no other County departments that offer direct victim services. Probation is the designated agency to collect victim restitution payments from convicted felons and disburse collected funds to rightful victims, but they do not provide any direct victim services. Government Code 50050 states that unclaimed victim restitution funds must be used for purposes of victim services. The DA is the only County department to offer victim

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services programs and, therefore, the only agency that can accept the escheated funds and use them as intended by statute. We, therefore, recommend:

1. The DA submits a Board Letter requesting designation as the official local victim service agency and that all unclaimed funds be directed to the DA's VWAP.
2. Direct the DA to work with the Probation and TTC to establish a process to transfer current and future unclaimed funds.

If you have any questions, please contact Sheila Williams, Public Safety Cluster, at (213) 974-1155.

SAH:JJ:SK
SW:PVR:cc

c: Executive Office, Board of Supervisors
 County Counsel
 District Attorney
 Medical Examiner-Coroner
 Probation
 Public Social Services
 Treasurer and Tax Collector

Attachments

B100645.DA.VWAP.bm.121015.docx

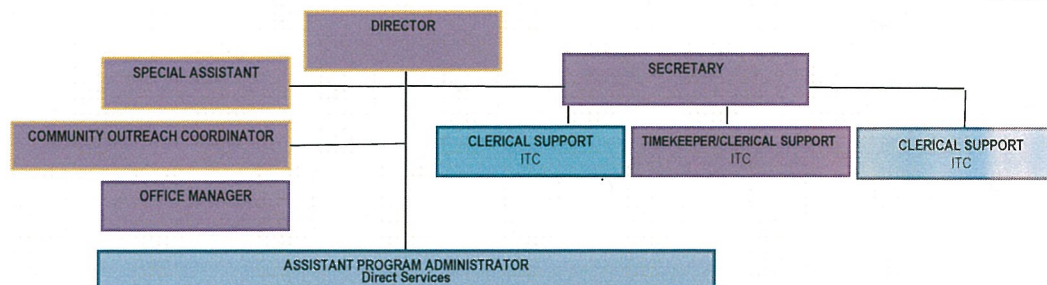


Jackie Lacey
District Attorney

LOS ANGELES COUNTY DISTRICT ATTORNEY'S BUREAU OF VICTIM SERVICES (BVS) DIRECT SERVICES ORGANIZATIONAL CHART (CURRENT) NOVEMBER 2015

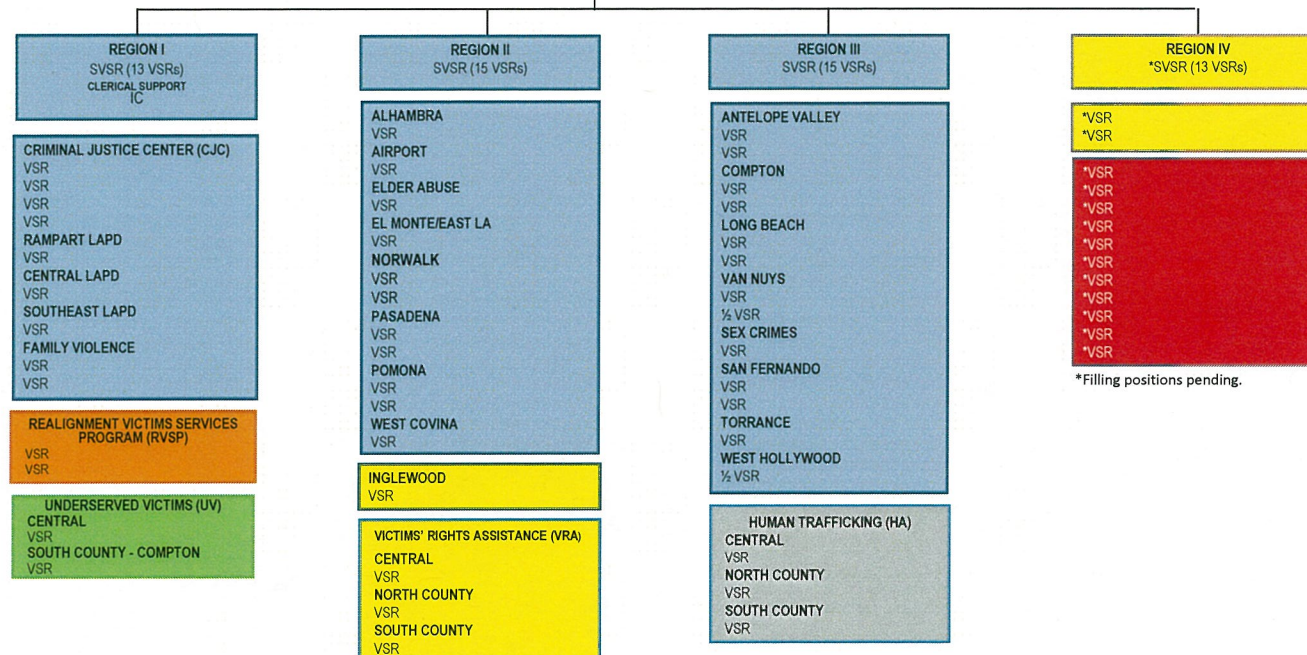
LEGEND

SVSR-Supervising Victim Services Representative
VSR-Victim Services Representative
Sr. Sec. III - Senior Secretary III
LOSA- Legal Office Support Assistant
ITC- Intermediate Typist Clerk
IC- Intermediate Clerk



FUNDING COLOR KEY

DA GENERAL FUND ADDED FISCAL YEAR 15-16
DA GENERAL FUND ADDED FISCAL YEAR 14-15
VWAP GRANT (CaIOES)
HUMAN TRAFFICKING VICTIMS GRANT (CaIOES)
UNDERSERVED VICTIMS GRANT
AB 109 REALIGNMENT FUNDS
DA GENERAL FUND/CaIVCP CONTRACT



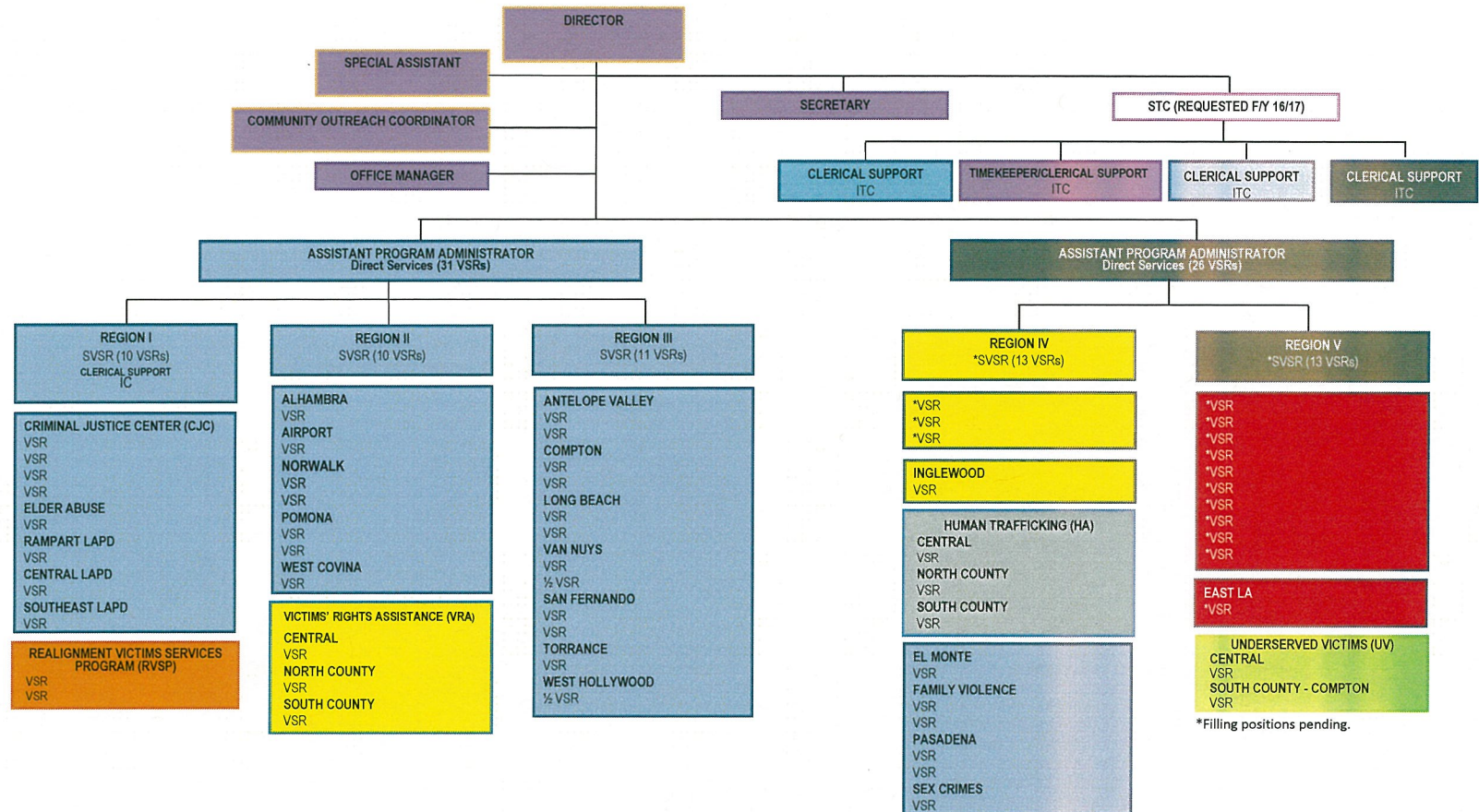


Jackie Lacey
District Attorney

LOS ANGELES COUNTY DISTRICT ATTORNEY'S BUREAU OF VICTIM SERVICES (BVS) DIRECT SERVICES ORGANIZATIONAL CHART (PROPOSED) FISCAL YEAR 2015-16

LEGEND

SVSR-Supervising Victim Services Representative
VSR-Victim Services Representative
Sr. Sec. III – Senior Secretary III
LOSA- Legal Office Support Assistant
STC- Senior Typist Clerk
ITC- Intermediate Typist Clerk
IC- Intermediate Clerk



FUNDING COLOR KEY

F/Y 15-16 POSITIONS
PENDING BOARD APPROVAL
DA GENERAL FUND
F/Y 15-16
DA GENERAL FUND ADDED
F/Y 14-15
VWAP GRANT (CalOES)
HUMAN TRAFFICKING
VICTIMS GRANT (CalOES)
UNDERSERVED VICTIMS
GRANT
AB 109 REALIGNMENT
FUNDS
DA GENERAL FUND/CalVCP
CONTRACT

*Filling positions pending.